

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 427 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES  
to see the judgements?

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?

4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

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AKSHAR PURSHOTTAM SWAMINARAYANKELAVANI MANDAL

Versus

STATE OF GUJARAT

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Appearance:

MR MUKESH R SHAH for Petitioner  
MR RM DESAI for Respondent nos.1 & 2.  
MR AD OZA for Respondent No. 3  
MR RK MISHRA for Respondent No. 4, 5

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CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 18/08/2000

ORAL JUDGEMENT :

This petition is filed challenging the order  
dated 9.1.1991 passed by the Govt. of Gujarat, Education

Department cancelling the permission granted by the Gujarat Secondary Education Board by its letter dated 5.7.1990.

2. It is given out that the said order is passed without giving an opportunity of hearing to the petitioner, who is directly affected by that order. It is also mentioned that Surkhai Gram Panchayat and others had filed Special Civil Application No.6056 of 1990 before this Court, which came to be disposed of by this Court by a judgement and order dated 10.10.1990. In the said petition what was challenged was the permission granted by the Board for change of place from village Surkhai to village Kukeri. By allowing that petitioner, the challenge the challenge to the permission granted by the Board was upheld by this Court. The Govt. has then passed the present impugned order on 9.1.1991, from that it is clear that the order is passed only with a view to overcome the decision of this Court, upholding the permission granted by the Board. The factum of not granting an opportunity of hearing to the petitioner is not denied.

3. In that view of the matter only on that short ground, the impugned order dated 9.1.1999 being in violation of principles of natural justice, is hereby quashed and set aside. The petition is allowed. Rule is made absolute with no order as to costs.

18th August 2000 (Ravi R. Tripathi, J.)

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